

R E M A R K S**A. INTRODUCTION**

Claims 1-27 are pending and rejected.

No Amendment is provided with this paper.

B. CLAIMS 1-27 ARE IN CONDITION FOR ALLOWANCE

With the concurrent filing of terminal disclaimers (described below), all present rejections of pending Claims 1-27 are rendered moot. Accordingly, Applicants submit that this application is in condition for allowance. Applicants respectfully request withdrawal of the present rejections and allowance of the present application.

C. PROVISIONAL NON-STATUTORY DOUBLE PATENTING REJECTION

Claims 1-27 stand provisionally rejected for non-statutory obviousness type double patenting with U.S. Patent Application No. 11/424,006. While we do not necessarily agree with this rejection, a terminal disclaimer is filed concurrently herewith solely to expedite the prosecution of the present application. Accordingly, the provisional non-statutory double patenting rejection of Claims 1-27 is moot.

D. NON-STATUTORY DOUBLE PATENTING REJECTION

Claims 1-27 stand “rejected under the judicially created doctrine of obviousness-type double patenting” as being unpatentable over specified claims of U.S. Patent No. 6,969,317.

While we do not necessarily agree with this rejection, a terminal disclaimer is filed concurrently herewith solely to expedite the prosecution of the present application. Accordingly, the non-statutory double patenting rejection of Claims 1-27 is moot.

E. ADDITIONAL COMMENTS

Our silence with respect to the Examiner’s other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner’s interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an unrebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner’s assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be

construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

F. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

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Please credit any overpayment to the same account.

G. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

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